App F IX 4

Previous References
Mc 31 — 740 — 5 — 6

1941 (Mc)

Mc File No 144 — 41
Serial Nos 13 14

Later References
Mc 10-45 (225, 226, 262)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos two

Part B for Jan 1942

SUBJECT

Re the appointment and allowances of Mr. H C Jambunathaiah, as Revenue officer, Mysore City Municipality

The Resident, City Municipal Council, Mysore

" Comptroller

" Rev Comr

SL14) L 6435-7 Dy 27-1-42

Sanctions the —

M 5/1/42

3789
L

General and Revenue Secretariat | ML | File No | of 1941-42 | [App F III-2

Serial No

From the DOR, cfs ML cl, Mysore
Do No 469 Dy 27-12-41
Forwards a copy of the resolution of the ML cl Dy 22-12-41 in the matter of the appointment of Mr. H C Jambukeswaraih as the Revenue Officer of the Division cfs mlgf

1) The ML cl have resolved not to disburse the pay of Mr. Jambukeswaraih who has been posted as the Rev officer of the Division cfs mlgf as his posting was made without the consent of the ML cl

2) The DOR has suggested that as per section 228 (2) (c) read with section 49 (b) (11) the Govt may direct the ML cl to disburse the Pay

3) The Law section may perhaps be consulted

Submd for orders

3/1 4) The Govts' letter Dy 9-12-41 clearly refers to the position and says that "pending the decision of the ML cl, Govt have decided to appoint Mr Jambukeswar as Rev officer, so that the work may not suffer"

It is not clear if the Resolution now sent up is the "decision of the ML

NOTE—Cont Sheet

Serial No

Cl" referred to in the letter
of 30, the drastic action of the Mil
Council seems clearly ultra vires
In the first place stoppage of payment
of salary is much too drastic a measure
not vested in any power save Court
Martial, Section 220 (2) C of the C Tolten Act
seems to be the basic section from which
only the Bye laws framable by the Mil Cl
under Section 49 could be derived
and Section may the Council

SK 3/1/42 by) Reference is invited in this
connection to the rules and orders
in Mil Cl No 15 S 76 put
up herewith. The clear purport
29 to 33 of the rules renders them
that Govt have power to appoint the
Revenue Officer of the Mysore Mily
The appointment has been made in this
case, pending decision of the Mil
As the Mil he did not decide to
select Guards or an officer from out of the
panel of names sent by the Revenue
for being appointed as a Revenue Officer
Govt sanctioned the posting of Mr Jambukeshwaraiya

$6930-311
I

3789

1

Public Works Secretariat | File No | of 194

Serial No 6

This has been done in the best interests of the Mkg. So as to avoid delay in the disposal of current business especially the collection of taxes which has to be done systematically whatever the claims & pleas of a Mr Al might be. In this view the attitude of the Mcl cannot but be considered as unreasonable. Govt may direct the disbursement of pay & allces to Mr Jambukeswara (vide also rule 1 of Chapt V of the Mysore Mr Rules & Bylaws.)

7) The Law Secretary may also be consulted

Law Secy
3/1/42

Hm
2
5/1/42

Asst Secy Law Section
WRC
5/1/42

3
5/1/42

SECY LAW DEPT
101
5 JAN 1942
GOVT OF MYSORE

PUBLIC WORKS SECRETARIAT
5 - JAN 1942

Legal opinion
PW 145
41-42
5 1-42

Note —Contn sheet

WT 01094—GPB—20 000—22 2-41

File No of 194

General and Revenue Secretariat

Serial No

The immediate question before the Court is whether the Resolution passed by the Municipal Council, withholding the pay of the Jamburkovich is legal or not?

I may at once say that the said Resolution is wholly ultra-vires, & as such illegal

No doubt under Sec 49 (6) (ii) of the Act it is the Municipal Council who shall determine the appointment of the Res Officer, but this power is subject to the rules made & Govt under Sec 228 of the Act, & should not be exercised contrary to the Municipal Reg^s Sec 228 (1) (c) of the Act gives power to the Govt to regulate the powers of appointment vested in the Municipality under Sec 49 (6) (ii) I find that Govt has in fact the power to appointing the H C Jamburkovich, pending the decision of the Municipal Council (Sec 228 (2) (c)) There is nothing in the Act to empower the Municipal Council to pass a Resolution & withhold the pay of the Jamburkovich We only think that the Municipal Council could have done was to point out to Govt that the appointment under Sec was not a suitable one, & to have suffered another candidate for the approval of Govt,

Serial No

but they have no power to reject the Council's duly appointed Govt; or to withhold his pay. In this case Govt have "appointed" her Jamburkhanah, pending the decision of the Council as to the correct to be said that the view of Govt is altho very no doubt it is a doubtful question if Govt have the power never the existing laws to thrust on the Municipality a Rev Officer which they do not want. Even if Sec 228(2)(c) Govt have the power to regulate matters in respect of this power vested in the Council and Sec 49(6)(11) but my fear is that they cannot appoint a Rev Officer against the wishes of the Council. Nevertheless, the Council has no power to withhold the pay of the Officer tentatively appointed by Govt — & this act of the Council is altho ultra vires as such Govt can over disburse out of the pay of her Jamburkhanah, with a view to his municipality to [illegible] tentatively the question of the appointment, made by Govt.

(c) In order to avoid all these difficulties Govt may make Rules under Sec 228(2)(c), of the Act, as to how & in what manner, the Council shall exercise the power vested in them under Sec 49(6)(11) of the Act. A Rule to the effect that in case of delay by the Council to appoint

NOTE—Cont Sheet

File No | of 194 | General and Revenue Secretariat

Serial No

a Rev Officer
a Rev Officer, Govt may appoint subject to
the decision of the Council of such a Rule as
more than the Council could never have acted
in the manner they have now acted Govt as a
Competent even to make a Rule under Sec 228(2)
(c) of the Act, that the Municipality in selecting
a Rev Officer, shall consult the Rev Com" in
respect of the Candidate for the post — by such a
rule, as a Candidate who has experience
in Rev Law can be selected I therefore suggest
that Govt may make such Rules as they deem
fit in respect of opportunity to be made by the
Municipal Council

11) As the Resolution of the Council
is ultra vires, the Govt under Sec 228 (2) (c) of the
Act may over ride the decision of the Corporation &
allow Jambukeswara

Law Secretary 3
12/1/42

12:1 The order appointing Mr H C
Jambukeswaraiah as Rev Officer was
passed by the Government under S 228(c)
Read with S 49(6)(11) of the City Municipalities
Act Hence it is a valid order The
Resolution of the Municipal Council is not
Valid It may be vetoed The pay of
Mr Jambukeswaraiah may be ordered

SECY LA[illegible] DEPT
12 1 [illegible]
GOVT OF MYSORE

Serial No

to be disbursed

13) It is better that a Rule be framed ~~that the Revenue Officers~~ about the regarding the manner of appointing Rev. officers etc under R 228(c) read with R 49(6) in both of Bangalore and Mysore Cities This may be worked up after the issue of the above order.

Minister
L J S

Hm 2 12/1/42

3 12/1/42

14) Sec 19/1/42

15) For perusal Dewan)

Hm 2 20/1/42

3 20/1/42

16) Sec 21/1/42

Hm 2 22/1/42

Secy Ag Secy 22/1/42

DEWAN'S OFFICE
RECEIVED 1942
No 6265

OFFICE OF THE SECRETARIAT
FOR SUPPLY
No 6319
Date 13-1-1942

NOTE—Cont Sheet

WD 141 5—GPB—55 000—93 10 41

ml File No 3789 / 144 L of 1941/42 — General and Revenue Secretariat

Serial No

(1) Sent with a draft Govt. for appl

Law Secy / Secy 23/1/42

23/1

(2) Hm 23/1/42

(3) Issue 23/1/42

14

To The Dch, Cyf ml cl, Mysore
The Rev Commr
The Comptroller
RO L 6435-37 Dy 27-1-42-
Directs that the pay and allowance of Mr Jambukeswariah be drawn from the funds of the Mysore Cyf only.

B

4030
L

3827/41

General and Revenue Secretariat — File No — of 194 1-42 — [App F III-2

Serial No

From the Ooh, Cify mc cl, Mysore
No GS 1571 Dy 8-1-42
Forwd and a copy of the resolution of the mc council Dy 22-12 41 resolving not to disburse the pay of Mr H C Jambunathaiah who has been posted as the Rev officer of the mcy.
Subj the connected file on the subject has been sent to the Asst Secy Law for opinion.
By appx, this will also be sent in continuation

WMB 13/1/42
Dy 13/1

Asst Secy-Law WMB 13/1/42

This file has been worked by the Asst Secy Law Secretary for Counsel powers

Law Secy 13/1/42

I am to state that the file has been submitted to the Minister for Law

Min Secy Law 13/1/42

Await orders on that file
13/1/42

BUSA 16/1

NOTL—Cont Sheet

File No of 194

General and Revenue Secretariat

Serial No

16

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No 4869

General and Revenue Secretariat,
Dated Bangalore, 9th December 1941.

FROM

The Secretary to the Government of
His Highness the Maharaja of Mysore
Law Department.

To

The President,
City Municipal Council,
Mysore.

SIR,

With reference to the correspondence ending with your letter No.G.T.1301 dated the 3rd December 1941, I am directed to state that, pending the decision of the Municipal Council, Governmen have decided to appoint Mr. H.C. Jambukesvariah, Amildar, as the - Revenue Officer of the Mysore City Municipality, so that the work in the Municipality may not suffer. The Revenue Commissioner in Mysore has been separately requested to relieve him and post him as such ver erly.

2. He will, for the present, draw his grade pay as Amildar. In regard to the allowances to be drawn by him, separate orders will issue.

I have the honour to be,
Sir,
Your most obedient servant,

Sd/- H.V. Narayana Rao,

Secretary to Government,
Law Department.

Memo No. 4870

Bangalore, Dated, 9th December 1941

Copy of the above is forwarded, with compliments, to the Revenue Commissioner in Mysore with a request that necessary arrangements may be made for relieving Mr. H.C. Jambukesvariah, Amildar and posting him as the Revenue Officer of the Mysore City Municipality.

By Order,

Sd/- H V [illegible]
Sec[illegible]

ACA/7.

14

Memo No. L4871

Bangalore, Dated, 9th December 1941.

Copies of the foregoing are forwarded, with compliments, to the Comptroller to Government, for information.

By Order,

for

(Draft) for Secretary to Government,
Law Department.

3789/L

B S RAGHAVENDRA RAO
PRESIDENT

CITY MUNICIPAL COUNCIL,
MYSORE.

CONFIDENTIAL DO 469/2

GEN & REV SECRETARIAT
2-JAN 42
LSG BRANCH

27th Decr 1941.

My dear Mr Narayana Rao,

I am enclosing herein a copy of the Resolution passed by the Municipal Council while recording the Government Order No L 4869 dated 9th December 1941 regarding the appointment of Mr H C Jambukesvariah as Revenue Officer

In this connection, I wish to invite attention to my confidential D O letter No 441 dated 30th November 1941 and state that as per Section 228(c) read with Section 49(b)(ii) I think the Government has the power to determine the staff, designations, duties, salaries, etc The extracts of the Sections referred to are enclosed Government may also under these rules reserve the power to appoint a person whenever considered necessary

I may add that Mr H C Jambukesvariah joined duty on the 25th instant and early orders are therefore necessary in the matter of drawing his pay

Yours sincerely,

B S Raghavendra Rao
27/12

H V Narayana Rao, Esq , B A ,LL B ,
Secretary to Government, Law Department, Bangalore

KSR

MYSORE CITY MUNICIPALITY

Proceedings of the Adjourned General Meeting of the Mysore City Municipal Council held in the Municipal Office on Monday the 22nd December 1941, at 4 p m

PRESENT

B S Raghavendra Rao Esq M A (Hons) *President*

2 U L Ramachandra Rao Esq
3 P Sitaramiah Esq B A B L
4 T Narasimha Iyengar Esq B A B L
5 A N Suryanarayana Rao Esq
6 N Rajagopala Iyengar Esq B A B L
7 Agaram Rangiah Esq
8 B Narayanaswamy Esq B A B L
9 M V Venkataramiah Esq
10 M S Nanjappa Esq
11 G R Rangaswamiah Esq
12 E P Nanjappa Esq
13 G Janardan Naidu Esq
14 Patnam Sreenivasasetty Esq
15 M R C Basappa Esq
16 T Venkataramaniah Esq
17 T S Alikhan Esq
18 S A Kareem Esq
19 B L Maridandiah Esq
20 F C Devaraja Urs Esq

ABSENT

21 T Mariappa Esq B A LL B *Vice President*
22 S Linganna Esq
23 Chowdiah Esq
24 M K Linganna Esq B A LL B
25 M C Mallappa Esq
26 C S Dixit Esq B A LL B
27 Mrs B Kameswaramma B A
28 A Krishna Murty Esq
29 Dr A J Ram L M & S
30 Mahomed Khalilulla Esq M A LL B
31 Haji Mir Amiruddin Khuraishi Esq

xx xx xx

411 Government Order No L 4869 dated 9th December 1941 appointing Mr H C Jambukesvariah, Amildar, as the Revenue Officer of the Mysore City Municipality, pending the decision of the Municipal Council, so that the work in the Municipality may not suffer

"Proposed by Mr T Narasimha Iyengar that the Government Order be recorded with the following observation

"This Council regrets that the President should have addressed the Government to make temporary arrangements for the post of the Revenue Officer without the consultation and obtaining the sanction of this Council and therefore, this Council resolves that the existing arrangements be continued, pending final selection of the Revenue Officer by this Council and inspite of it if Mr Jambukesvariah is posted his pay shall not be disbursed from the Municipal Funds "

Seconded by Mr E P Nanjappa

"Proposed by Mr T S Ali Khan that the observation starting from

"This council" dealing with "funds" be deleted.

Seconded by Mr. F. C. Devaraja Urs.

The amendment was first put to vote. In favour of the amendment - 4. Amendment lost."

Then the Principal Resolution was put to vote and was "CARRIED"

xx xx xx

Sd B S. Raghavendra Rao,

PRESIDENT,
22-12-1941

"COPY"

B Raghavendra Rao

PRESIDENT,
27-12-1941

KSR.

Extract of Section 228(2) (c) of the Mysore City Municipalities Act, 1933

---

228 (2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules or orders --

xx xx xx

(c) for the regulation of all or any of the matters specified in clauses(b), (c),(e),(f) and (g) of Section 49

Extract of Section 49(b)(ii) of the Act of 1933

---

49 Every municipal council shall make rules not inconsistent with this Regulation or with the rules made by the Government under section 228 and may from time to time alter or rescind them --

xx xx xx

(b)(ii) determining the staff of officers and servants to be employed by the municipal council and the respective designations, duties, salaries,fees and absentee or other allowances of such officers and servants and the powers and duties delegated to them under section 38

P T O

"TRUE EXTRACT"

By Rashtrapati

PRESIDENT,
27-12-1941.

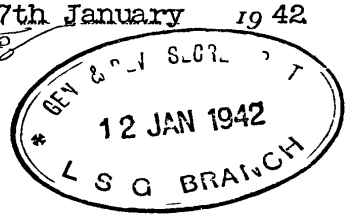
KSR.

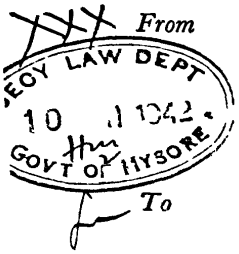
48307

OFFICE OF THE PRESIDENT
CITY MUNICIPAL COUNCIL MYSORE

No GT 1571 / e1

Dated 7th January 1942





B S Raghavendra Rao, Esq , M A (Hons)
~~M. NAVANEETHAM NAIDU, Esq~~
PRESIDENT CITY MUNICIPAL COUNCIL
MYSORE

H V Narayara Rao, Esq , B A ,LL B ,
Secretary to Government, Law Department,
Bangalore.

Sir,

With reference to your letter No L 4869 dated the 9th December 1941, communicating the orders of Government appointing Mr H C Jambukesvariah, Amildar, as the Revenue Officer of this Municipality, pending the decision of the Municipal Council, I have the honor to state that while recording the above orders of Government the Municipal Council have, at their adjourned General Meeting held on 22nd December 1941, resolved that the existing arrangements be continued pending final selection of the Revenue Officer by the Council and that if inspite of this Mr Jambukesvariah is posted his pay shall not be disbursed from the Municipal Funds

2 A copy of their resolution is enclosed for early orders I may add that in the meanwhile Mr Jambukesvariah reported himself for duty in this Municipality as Revenue Officer, on the forenoon of 25th December 1941 and he has been asked to join as per orders of Government referred to above

I have the honour to be,
Sir,
Your most obedient servant,

B S Raghavendra Rao
PRESIDENT 8/1

KSR

MYSORE CITY MUNICIPALITY

Proceedings of the Adjourned General Meeting of the Mysore City Municipal Council held in the Municipal Office on Monday the 22nd December 1941, at 4 p m

PRESENT

B S Raghavendra Rao Esq M A (Hons) *President*

2 U L Ramachandra Rao Esq
3 P Sitaramiah Esq B A B L
4 T Narasimha Iyengar Esq B A B L
5 A N Suryanarayana Rao Esq
6 N Rajagopala Iyengar Esq B A B L
7 Agaram Rangiah Esq
8 B Narayanaswamy Esq B A B L
9 M V Venkataramiah Esq
10 M S Nanjappa Esq
11 G R Rangaswamiah Esq
12 E P Nanjappa Esq
13 G Janardan Naidu Esq
14 Patnam Sreenivasasetty Esq
15 M R C Basappa Esq
16 T Venkataramaniah Esq
17 T S Alikhan Esq
18 S A Kareem Esq
19 B L Maridandiah Esq
20 F C Devaraja Urs Esq

ABSENT

21 T Mariappa Esq B A LL B *Vice President*
22 S Linganna Esq
23 Chowdiah Esq
24 M K Linganna Esq B A LL B
25 M C Mallappa Esq
26 C S Dixit Esq B A LL B
27 Mrs B Kameswaramma B A
28 A Krishna Murty Esq
29 Dr A J Ram L M & S
30 Mahomed Khalilulla Esq M A LL B
31 Haji Mir Amiruddin Khuraishi, Esq

XXX XXXX XXX

411 Government Order No L 4869 dated 9th December 1941 appointing Mr H C Jambukesvariah, Amildar, as the Revenue Officer of the Mysore City Municipality, pending the decision of the Municipal Council, so that the work in the Municipality may not suffer

"Proposed by Mr T Narasimha Iyengar that the Government Order be recorded with the following observation

"This Council regrets that the President should have addressed the Government to make temporary arrangements for the post of the Revenue Officer without the consultation and obtaining the sanction of this Council and therefore, this Council resolves that the existing arrangements be continued, pending final selection of the Revenue Officer by this Council and inspite of it if Mr Jambukesvariah is posted his pay shall not be disbursed from the Municipal Funds"

Seconded by Mr E P Nanjappa

P T O

"Proposed by Mr T.S. Ali Khan that the observation starting from 'This Council' ending with 'funds' be deleted

Seconded by Mr F. C Devaraja Urs.

The amendment was first put to vote. In favour of the amendment -4 Amendment lost"

Then the principal Resolution was put to vote and was carried"

xxx xxx xxx

Sd. B S Raghaverdra Rao,
PRESIDENT

"COPY"
B Raghavendra
PRESIDENT,
7-1-1942

KSR

3789

GRS III—3]

REPORT OF TRANSFER OF CHARGE BY OFFICERS

[To (Vide *para 104 of the Mysore Treasury Manual*), d]

No RT 2445 (f) 25 12 41 Office of The President Cnc Mysore

Dated 25-12-1941

1 Name and designation of relieved officer—
S Siddappa, Esq
Revenue Officer (in charge) Cnc Mysore

2 Name and designation of relieving officer—
H C Jamburkeswariah Esq BA (Amildar) Revenue Officer Cnc Mysore

3 Date and hour of transfer of charge—
25-12-1941 10 30. A.M.

4 Authority under which the transfer is made and the reason for such transfer—
Letter No L 4869 dated 9th Decr 1941 from the Secretary to Govt Law Dept to the President Cnc Mysore

Certified that

(1) Separate statements showing the details of each stamps opium ganja and bill forms in stock (*vide* Article 47 of the Civil Account Code Volume I) and

(2) an acknowledgment of the permanent advances in the prescribed printed form (*vide* para 221 of the Treasury Manual) $\frac{\text{have}}{\text{has}}$ been attached to the charge report forwarded to the Comptroller to the Government of His Highness the Maharaja of Mysore

N B—Certificate No 1 is required in cases of transfer of charge of Taluk Treasuries by Amildars and of District Treasuries by Deputy Commissioners

Signature of relieved officer

Signature of relieving officer

These should be signed by relieving officer

P T O

Sent for perusal
5/1/42
Law Secy
7/1
7/1/42
Hm
2
7/1/42
Asst

N B—*Should routine notes be written on small slips the notes must be copied or slips pasted on this form*

WD 05639—36 000—GPB—20 3 40

G R S App F VI—G 2]

SUBJECT

4

Diary No of letter replied to

General and Revenue Secretariat

( )

the *193*

Section ml

File No 144-41

Serial No ~~14~~ 14

Proceedings of the Government of His Highness the Maharaja of Mysore

Date of issue 27th Jany 1942

Signed by Mr. G. Ramachandra Rao.

Read— ~~Govt~~ Letter No L4869 Dy 9-12-41 from the Secy to Govt, Law Deptt to the Dpty, Cff ml cls, Mysore Communicating the orders of Govt posting Mr. H.C. Jambukeswamiah, Amildar, as the Rev Officer of the Mysore cff ml ~~Order thereon~~ ~~No.~~

2) Govt No L60 29-31/ml 144-41-12 Dy 13-1-1942 directing that in future, Officers posted as the Rev Officers of the Mysore cff ml shd be permitted to draw a consolidated allowance of Rs 60/- p m in addn to ~~their~~ their

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette Kannada Part ? P

3) Letter ~~from~~ No GT 1571 Dy 8/1-42 "X"
from the Pdh, Cff mlcl, Mysore
forwarding a copy of the resolution
of the Cff mlcl dated the 22nd
Decr 1941 ~~resolving~~ to the effect
that the pay of Mr Jambukeswariah
posted as the Rev Officer of the
Mysore Cff Mlfy shall not
be disbursed from the ml funds
as the apptt in question was
made without the consultation with
& ~~obtainment of~~ the sanction
of the Council stating that the said Officer joined duty in the Mly on the forenoon of 25th Dec 41

Order No. L 6435-37
In exercise of the Powers Vested in them
Under section 28(c) read with
section 49 (c) (2) (e) of the Mysore
Cff Mties Act 1933, Govt are Pleased
to ~~direct that the pay of~~ appoint Mr H C Jambukeswariah, Amildar,
~~posted as~~ as the Rev Officer of the Mysore Cff Mlfy in Confirmation of the provisional order already disbursed from the funds of the Mysore Cff Mlfy.

List of Enclosure
(2) The Officer's pay and allowances will accrue

Copied by
Examined by

To The Pdh, Cff mlcl,
Mysore
The Rev Commr
The Comptroller

for Secy to Govt
Law Deptt

WD 0523—GPB—22 500—16 3 37

23/1/42